

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.2933/2005
Ram Kumar V/s Subhash Chandra Chotiyan & Ors.

4.9.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Vinay Mathur, for the appellants.

This is an appeal for enhancement of compensation against the award dated 11.7.2005 in MAC case No.131/2005 (12/2000) passed by the MACT cum Additional District Judge (Fast Track) No.3, Jaipur District, Jaipur.

The facts, in brief, of the case are that on 25.10.1999 the claimant appellant and other persons were going by Jeep No.RJ-14-T-0379 from Chomu to Udaipuriya. At about 7.00 a.m. When this Jeep reached near Udaipuriya turn, a Tanker No. No.RJ-23-G-0795 hit the Jeep. As a result of which, the claimant appellant sustained injuries.

The Claims Tribunal after taking into consideration the evidence on record, awarded Rs.45,000/- on account of loss of earning for disability caused to the appellant to the extent of 10.17% by calculating the yearly income as Rs.36,000/-, Rs.11,800/- for medicines and Rs.10,000/- for loss of earning during hospitalization period, physical pain and mental agony,

nutritious food. In all Rs.66,800/- has been awarded.

The submission of Mr.Vinay Mathur, counsel for the appellant is that income has not been rightly assessed.

I have gone through the award of the Claims Tribunal and further considered the submission of counsel for the appellant.

The claimant appellant is a Shoe-Maker and his income has rightly been assessed as Rs.36,000/- per annum. There is no illegality in the award on the said head and other heads of the compensation.

The appeal is devoid of force and the same is dismissed.

(P.S. ASOPA) J.

ummed/-